

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 18, 2014 [] Consent [] Regular []
[] Workshop [X] Public Hearing

Department

Submitted For: FIRE RESCUE

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Subsection (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code; amending the boundaries of the Fire/Rescue MSTU (Municipal Service Taxing Unit) to include the Town of Lake Park; providing for effectiveness; providing for opt-out procedures; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions.

Summary: The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU. The County currently provides fire-rescue services to the Town of Lake Park (Town) through an interlocal agreement (R2002-0993), at a rate established by the Agreement. The Town now desires to opt into the Fire/Rescue MSTU as a method to receive and pay for fire-rescue services from the County. This ordinance will amend the boundaries of the Fire /Rescue MSTU to include the properties within the municipal boundaries of the Town. Fire Rescue services to the Town funded through the MSTU will begin October 1, 2015. Inclusion of the Town in the Fire/Rescue MSTU will not change the amount of revenue received from the Town for fire-rescue services.

Countywide (SB)

Background and Policy Issues: In June 2002, the County entered into an agreement with the Town of Lake Park for fire protection and emergency medical services for a seven-year term and additional seven-year renewal, with a contract price established by the agreement. The Town now desires to opt into the Fire/Rescue MSTU as a method to receive and pay for fire-rescue services from the County. On September 17, 2014, the Town Council approved Ordinance No. 12-2014 to include the Town within the County's Fire/Rescue MSTU. Currently, the following municipalities are included in the Fire Rescue MSTU: Cloud Lake, Glen Ridge, Haverhill, Juno Beach, Lake Clarke Shores, Royal Palm Beach, Wellington, Belle Glade, South Bay, Pahokee, Loxahatchee Groves, Lantana, Palm Springs, Lake Worth, and South Palm Beach. Adoption of this ordinance will include the Town of Lake Park in the Fire Rescue MSTU.

Attachments:

- 1. Proposed Ordinance
2. Town Ordinance (No. 12-2014)

Recommended By: [Signature] Deputy Chief 9/24/14 Date

Approved By: [Signature] Fire-Rescue Administrator 9/24/2014 Date

Approved By: [Signature] Assistant County Administrator 10/22/14 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u> *</u>	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No

Budget Account No.: Fund 1300 Dept Unit Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* Funding for service to the Town of Lake Park is currently provided from the main Fire-Rescue MSTU (Fund 1300). Inclusion of the Town in the Fire/Rescue MSTU will not change the amount of revenue received from the Town for fire-rescue services.

C. Departmental Fiscal Review: initial memo

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 [Signature] 10/16/2014
 SN OFMB
 9/30 10/1/14

 [Signature] 10/21/14
 Contract Dev. and Control
 10-21-14 B Wheeler

B. Legal Sufficiency:

 [Signature] 10/22/14
 Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

ORDINANCE NO. 2014 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 26-51, SUBSECTION (b), OF CHAPTER 26, ARTICLE II, DIVISION 3, OF THE PALM BEACH COUNTY CODE; AMENDING THE BOUNDARIES OF THE FIRE/RESCUE MSTU (MUNICIPAL SERVICE TAXING UNIT) TO INCLUDE THE TOWN OF LAKE PARK; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR OPT-OUT PROCEDURES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS.

WHEREAS, Chapter 26, Article II, Division 3, of the Palm Beach County Code, in accordance with the authority set forth in Section 125.01(1)(q) and (r), Florida Statutes, established municipal service taxing units (MSTUs) to provide fire protection, fire-rescue, advanced life support (or similar emergency services), code enforcement, and all other necessary and incidental powers to effect the purposes for which the MSTUs were created; and

WHEREAS, the Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU pursuant to Section 125.01(1)(q), Florida Statutes, or other applicable law; and

WHEREAS, in accordance with Section 125.01(1)(q), Florida Statutes, the Town of Lake Park (“Town”) adopted Ordinance No. 12-2014, providing consent for the Town’s inclusion in the Fire/Rescue MSTU; and

WHEREAS, the Board of County Commissioners desires to amend the boundaries of the Fire/Rescue MSTU to include the properties within the municipal boundaries of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Section 26-51, subsection (b), of the Palm Beach County Code is hereby amended as follows (additions indicated by underline, deletions indicated by ~~striketrough~~):

“(b) The fire/rescue MSTU shall consist of the entire unincorporated area of the county plus all property situated within a municipality’s boundaries, as they may be amended from time to time, which municipality has opted and consented to be included within the Fire/Rescue MSTU, in accordance with Florida Statutes, § 125.01(1)(q), or other applicable law, and been

accepted by the county, namely: the Town of Glen Ridge, the Town of Lake Clarke Shores, the Town of Cloud Lake, the Town of Juno Beach, the Village of Wellington, the Town of Haverhill, the Village of Royal Palm Beach, the City of Pahokee, the City of South Bay, the City of Belle Glade, the Town of Loxahatchee Groves, the Town of Lantana, the Village of Palm Springs, the City of Lake Worth, the Town of South Palm Beach, the Town of Lake Park and those hereinafter exercising such right.”

Section 2. Effectiveness:

The provisions of this Ordinance shall become effective December 31, 2014, to be implemented for tax year 2015 for services beginning October 1, 2015. The inclusion of the Town of Lake Park in the Fire/Rescue MSTU shall continue for the term of consent identified in the Town’s Ordinance No. 12-2014, as it may be extended by the Town from time to time, provided that the County maintains in effect an ordinance including the Town within the Fire/Rescue MSTU.

The Town’s inclusion in the Fire/Rescue MSTU shall be deemed to continue after expiration, repeal or termination of the Town’s participation in the MSTU, to the limited extent necessary to enable the County to provide within the Town fire-rescue and related services funded by the final tax year, including but not limited to the enforcement of applicable laws and regulations.

Section 3. Opt-Out Procedures:

Should the Town or the County desire to terminate the Town’s participation in the Fire/Rescue MSTU, then the party desiring said termination shall adopt, prior to March 1st of any given year, an ordinance to repeal or otherwise terminate the Town’s participation in the Fire/Rescue MSTU effective December 31st of that same year, and deliver a certified copy of said ordinance to the Palm Beach County Property Appraiser’s Office, Division of Appraisal Administration, for physical receipt by the Property Appraiser prior to March 1st of that same year. In such case, the Town’s inclusion in the County’s Fire/Rescue MSTU shall terminate on said December 31st. The terminating party shall deliver to the other party a certified copy of said ordinance for receipt on the same day that it is received by the Property Appraiser’s Office.

Section 4. Repeal of Laws in Conflict:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 6. Inclusion in the Code of Laws and Ordinances:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 7. Captions:

The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2014.

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

**PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
County Attorney

FILED with the Department of State on the _____ day of _____, 2014.

ORDINANCE NO. 12-2014

Florida, do hereby certify that the foregoing is a true and correct copy of the original instrument as contained in the official records of the Town. Witness my hand and the Official Seal of the Town of Lake Park This 18 day of September, 2014
Town Seal
LORIDA
LAKE PARK
Town Clerk

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; PROVIDING FOR THE TOWN'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE TOWN OF LAKE PARK'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE, CONSENT AND DURATION; PROVIDING FOR EARLIER REPEAL OF ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; ACKNOWLEDGING LIMITATION ON AD VALOREM MILLAGE RATE FOR MUNICIPAL PURPOSES.

WHEREAS, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Taxing Units ("MSTU"s), whereby a County may levy a tax, within the MSTU for certain essential municipal services, including the provision of fire-rescue services; and

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, a municipality may be included within an MSTU, subject to approval by ordinance of the governing body of the municipality giving consent either annually or for a term of years; and

WHEREAS, Palm Beach County (the "County") established an "MSTU" known as the Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar emergency services), code enforcement and other services necessary and incidental to the purpose for which the MSTU was created; and

WHEREAS, the Town Commission of the Town of Lake Park (the "Town") desires to consent to the inclusion of all territory lying within the municipal boundaries of the Town within the County's Fire/Rescue MSTU for fire-rescue services benefitting residents within the Town; and believes that such inclusion is in the best interests of the health, safety and welfare of the citizens of the Town of Lake Park.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE

TOWN OF LAKE PARK, FLORIDA, THAT:

Section 1: It is the intent, purpose and effect of this ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The Town Commission of the Town of Lake Park hereby consents to the inclusion of all territory within the incorporated municipal boundaries of the Town, as may be amended from time to time, within the County's Fire/Rescue Municipal Service Taxing Unit (the "Fire/Rescue MSTU"), which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this ordinance is to enable the County to provide fire-rescue and related services within the territorial limits of the Town including, but not limited to, the enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto (the "Fire Code") and any other applicable laws and regulations.

Section 2: The provisions of this ordinance shall become effective December 31, 2014 to be implemented for tax year 2015, for County fire-rescue and related services to begin at 7:30 a.m. on October 1, 2015. The Town's consent to be included in the County's Fire/Rescue MSTU shall continue for a term of ten (10) years through December 31, 2024; provided, however, that the Town's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2025, to the extent necessary to enable the County to provide within the Town fire/rescue and related services including, but not limited to, the enforcement of the Fire Code and any other applicable laws and regulations.

Section 3: Should the Town intend to repeal this ordinance prior to its expiration on December 31, 2024, the Town shall provide written notice to Palm Beach County, by March 1st of any given year, of the Town's intent to repeal this Ordinance, with such repeal to be effective December 31st of the same year; and the Town shall provide a certified copy of the repealing ordinance to the County and the Property Appraiser by said December 31st. In such case, the Town's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31; provided, however, that the Town's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1 at 7:30 a.m. to the extent necessary to enable the County to provide within the Town fire-rescue and related services, including, but not limited to, the enforcement of the Fire Code and any other applicable laws and regulations.

Section 4: Repeal of Conflicting Ordinances: All other ordinances and parts of the ordinances in conflict with any provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 5: Severability: Should any section or provision of this Ordinance or any portion

thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 6: Effective Date: This Ordinance shall become effective on December 31, 2014, provided that the Board of County Commissioners of Palm Beach County has adopted an ordinance providing for the inclusion of the territorial limits of the Town within the County's Fire/Rescue MSTU. The Town's continuing participation in the MSTU is contingent upon the County maintaining an ordinance including the Town within the MSTU.

Section 7: The Town acknowledges that by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would exceed the ten (10) mill cap for municipal purposes when combined with the Fire/Rescue MSTU's annual ad valorem levy.

[Remainder of page left blank intentionally]

Upon First Reading this 3 day of September, 2014, the foregoing Ordinance was offered by Commissioner O'Rourke, who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>Absent</u>	<u> </u>
COMMISSIONER ERIN FLAHERTY	<u>/</u>	<u> </u>
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	<u> </u>
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	<u> </u>

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF September 2014

Upon Second Reading this 17 day of September, 2014, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner O'Rourke and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	<u> </u>
COMMISSIONER ERIN FLAHERTY	<u>/</u>	<u> </u>
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	<u> </u>
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	<u> </u>

The Mayor thereupon declared Ordinance No. 12-2014 duly passed and adopted this 17 day of September, 2014.

I, Vivian Mendez, Clerk of the Town of Lake Park Florida, do hereby certify that the foregoing is a true and correct copy of the original instrument as contained in the official records of the Town. Witness my hand and the Official Seal of the Town of Lake Park This

17 day of September, 2014
Vivian Mendez
 Town Clerk

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
 Mayor, James DuBois

ATTEST:

Vivian Mendez
 Town Clerk, Vivian Mendez
 (Town Seal)
 SEAL

Approved as to form and legal sufficiency:

Thomas J. Baird
 Town Attorney, Thomas J. Baird

FLORIDA

RECEIPT

**LEGAL NOTICE OF PROPOSED
ORDINANCE TOWN OF LAKE PARK**

Please take notice that on Wednesday, September 17, 2014 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

ORDINANCE NO. 12-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; PROVIDING FOR THE TOWN'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE TOWN OF LAKE PARK'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE, CONSENT AND DURATION; PROVIDING FOR EARLIER REPEAL OF ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; ACKNOWLEDGING LIMITATION ON AD VALOREM MILLAGE RATE FOR MUNICIPAL PURPOSES.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post
9-7/2014 #297760